

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

HUY KHANH DANG,

Petitioner,

vs.

M. E. SPEARMAN, Warden,

Respondent.

Case No: C 12-6252 SBA (PR)

**ORDER OF DISMISSAL**

Petitioner filed the instant pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging the 2011 decision by the California Board of Parole Hearings (“Board”) finding him unsuitable for parole. Petitioner was subsequently found suitable for parole and was released on parole, however. Dkt. 8-1 at 2-3, 6.

Where a prisoner seeks release on parole and does not challenge the validity of his conviction, his habeas petition becomes moot once he is released on parole. See Fendler v. United States Bureau of Prisons, 846 F.2d 550, 555 (9th Cir. 1988); see also Reimers v. Oregon, 863 F.2d 630, 632 (9th Cir. 1988) (a moot action is one in which the parties lack a legally cognizable interest in the outcome). The possibility of parole revocation does not present a situation which is “capable of repetition, yet evading review” to which the doctrine of mootness may not apply. Id. (citation omitted).

Here, Petitioner claims that the Board’s 2011 denial of parole was unlawful. Because Petitioner has now been released on parole and does not challenge his conviction, he lacks a cognizable interest in the outcome of this action. See id.; Fendler, 846 F.2d at 555. That the relief he seeks may result in the possible earlier termination of parole supervision does not circumvent mootness. See id. (rejecting claim of exception to

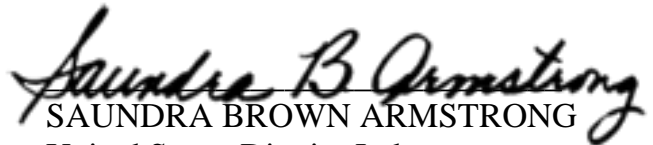
1 mootness by federal prisoner who could seek review of his eligibility for early termination  
2 of parole by applying to the parole commission).

3 For the foregoing reasons, the petition for a writ of habeas corpus under 28 U.S.C.  
4 § 2254 is DISMISSED as moot.

5 The Clerk of the Court shall enter judgment, terminate all pending motions moot,  
6 and close the file.

7 IT IS SO ORDERED.

8 Dated: January 13, 2015

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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